

Message Text

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13-12

ACTION TRSE-00

INFO OCT-01 EA-07 ISO-00 EB-07 AGR-05 CEA-01 CIAE-00

COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04

NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04

TAR-01 USIA-06 PRS-01 SP-02 OMB-01 FEA-01 /088 W

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R 100335Z JAN 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1053

INFO AMCONSUL HONG KONG

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EO 11652: N/A

TAGS: ETRD, RP

SUBJ: COUNTERVALING DUTY - CERAMIC WALL TILE - PHILIPPINE COMPANY

DECIDES TOWITHDRAW FROM INCENTIVE SCHEME AS MEANS OF

TERMINATING PROCEEDNGS

REF: STATE 003777

1. EMBASSY OVER PAST WEEKS HAS MADE SEVERAL ATTEMPTS TO IMPRESS UPON GOP OFFICIALS THE IMPORTANCE OF COMPLETING CERAMIC WALL TILE QUESTIONNAIRE IN TIME TO PERMIT EVALUATION OF INFORMATION. WHILE MESSAGE APPEARED TO HAVE BEEN ACCEPTED IN PRINCIPLE, IN PRACTICE FOOT DRAGGING AND BUREAUCRATIC DELAYS CONTINUED. WE HAVE NOW BEEN ADVISED ORALLY BY ASSISTANT SECRETARY BARRERA OF DEPARTMENT OF FOREIGN AFFAIRS THAT CERAMIC WALL TILE COMPANY CONCERNED HAS DECIDED TO WITHDRAW FROM REGISTRATION UNDER INCENTIVES ACT AS A MEANS OF TERMINATING THE PROCEEDINGS. COMPANY EXPECTS TO CONTINUE ITS EXPORTS WITHOUT BENEFIT OF INCENTIVES ACT AND, ACCORDING TO BARRERA, WILL PROBABLY SEEK BENEFITS OF GSP ON ITS FUTURE SALES TO THE UNITED STATES.

2. BERRERA SAID DEPARTMENT OF FOREIGN AFFAIRS WOULD INFORM EMBASSY OFFICIALLY OF FOREGOING BY MEANS OF AIDE MEMOIRE. BARRERA FURTHER COMMENTED THAT HE VERY MUCH APPRECIATED

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WILLINGNESS OF TREASURY TO SEND EXPERT TO MANILA TO ASSIST IN

INVESTIGATION AND THAT GOP WAS GRATEFUL FOR CONSTRUCTIVE APPROACH
THROUGHOUT ON PART OF INTERESTED USG AGENCIES. HE SAID HE ALSO
UNDERSTOOD POTENTIALLY PRECEDENT SETTING NATURE OF THIS CASE.
HOWEVER, HE SAID, HE FELT THAT SINCE COMPANY HAD DECIDED TO
WITHDRAW FROM INCENTIVES AND THUS FROM CASE, GOP COULD DO
LITTLE MORE THAN ACQUIESCE.

3. COMMENT: WE ARE UNCLEAR AS TO FUTURE PROCEDURE IN THIS
MATTER. WE ASSUME THAT ONCE DEREGISTRATION ON PART OF COMPANY
OCCURS, CASE FOR COUNTERVAILING DUTY INVESTIGATION AUTOMATI-
CALLY BECOMES VOID. HOWEVER, WE WOULD APPRECIATE BEING ADVISED
OF WHAT FURTHER ACTION, IF ANY, IS NECESSARY ON PART OF EITHER
GOP OR COMPANY TO AVOID ANY POSSIBILITY OF ADVERSE FINDING BY
DEFAULT. PHILIPPINE DECISION IN THIS MATTER (WHICH SEEMS
OBVIOUS EXPLANATION FOR PROCRUSTINATION WE ENCOUNTERED) LEAVES
US WITH SOME FEELING OF ANTICLIMAX, AND IT MIGHT HAVE BEEN
PREFERABLE HAD INTERESTED PARTIES DECIDED TO PROCEED WITH
CASE IN INTEREST OF RESOLVING MATTER ONE AND FOR ALL.
HOWEVER, IT SEEMS DIFFICULT TO URGE COMPANY TO BECOME GUINEA
PIG AGAINST ITS WILL. IN MEANTIME, EMBASSY WISHES TO EXPRESS
ITS OWN APPRECIATION TO DEPARTMENT AND TREASURY FOR THEIR
HELPFUL EFFORTS IN THIS AFFAIR.

SULLIVAN

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